

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:) Chapter 7
)
S&S STEEL SERVICES, INC.,) Case No. 15-07401-JJG-7A
)
 Debtor.)

**REPLY OF WELLS FARGO BANK, NATIONAL ASSOCIATION TO THE SHARP
PARTIES' LIMITED OBJECTION TO FINAL FEE APPLICATION FOR
ALLOWANCE AND PAYMENT OF COMPENSATION AND REIMBURSEMENT OF
EXPENSES
(Doc. Nos. 607 and 608)**

Wells Fargo Bank, National Association ("Wells Fargo") files its reply to the *Limited Objections to Final Fee Application for Allowance and Payment of Compensation and Reimbursement of Expenses* (the "Limited Objections") filed by Barry Sharp, Sheree Sharp, Zachary Sharp, Shannon Sharp, SAS LLP, Z&S Sharp Real Estate, Inc., Nahum Enterprises, LLC, and Lead Dog Transport, LLC (the "Sharp Parties"). Wells Fargo states as follows:

1. Pursuant to Section 507(b) of the Bankruptcy Code, Wells Fargo has an allowed, superpriority administrative expense claim in the amount of \$1,066,283.00 (the "Allowed 507(b) Claim") against the Debtor's estate.
2. The Allowed 507(b) Claim has priority over all other administrative expenses of the kind specified in Sections 503(b) or 507(b) of the Bankruptcy Code and all other expenses and claims ("superpriority"), except Wells Fargo, by stipulation, agreed that its Allowed 507(b) Claim would have such superpriority only with respect to 50% of the Avoidance Action Recoveries (as such term is defined in the Fifth Interim Order) of each dollar of Avoidance Action Recoveries as and when they are received and would not have superpriority with respect to the remaining 50% of Avoidance Action Recoveries. *See Fifth Interim Order Granting*

Debtor's First Day Motion for Authorization to Use Cash Collateral Pursuant to 11 U.S.C. § 363 and Granting Adequate Protection to Prepetition Secured Lender Pursuant to 11 U.S.C. § 361 (the “Fifth Interim Order”); *see also Stipulation and Agreed Entry Allowing Administrative Expense Claim of Wells Fargo Bank, National Association* [Doc. No. 268] (reflecting agreement of Wells Fargo and the chapter 7 trustee in the above-captioned case that the Allowed 507(b) Claim is subordinate only to the chapter 7 administrative expenses incurred by the Trustee on or after January 21, 2016).

3. To the extent the Limited Objections seek to recharacterize or define the scope or priority of the Allowed 507(b) Claim, Wells Fargo objects to such recharacterization. Wells Fargo reserves all of its rights and interests in the Allowed 507(b) Claim, including the scope and priority of such claim.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2018, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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